



CIVILIAN COMPLAINT REVIEW BOARD
100 CHURCH STREET 10th FLOOR
NEW YORK, NEW YORK 10007 ♦ TELEPHONE (212) 912-7235
www.nyc.gov/ccrb



ERIC L. ADAMS
MAYOR

ARVA RICE
INTERIM CHAIR

March 28, 2024

[REDACTED]
The Legal Aid Society
199 Water Street
New York, NY, 10013

CCRB Case Number: 202300424
CCRB Squad Manager: Maura Roche - mroche@ccrb.nyc.gov

Dear [REDACTED]:

The Civilian Complaint Review Board has concluded its thorough investigation of the incident you were involved in. The staff of the CCRB recognizes the meaningful contribution you made by telling your story so this investigation could move forward. After reviewing all of the evidence gathered throughout the investigation, which includes your testimony, the Board of the CCRB has come to the findings (see below) of the allegations regarding this incident. There is an enclosed form that lists what each of the potential outcomes of an investigation is, and explains what each outcome means.

In your case, the investigation determined that at least one of the allegations that occurred was misconduct (substantiated). Under New York City law, all of the allegations in this case will be forwarded to the Police Commissioner, who has the authority to actually impose discipline against an officer; the CCRB can only make recommendations regarding discipline.

Please be aware that in certain cases police officers are entitled by law to an administrative hearing before the Department can impose disciplinary penalties; in such case any civilian involved in an incident may be asked to testify at an administrative proceeding.

Allegation(s) by letter:

Board Finding(s):

A) Force:

On November 05, 2022, at [REDACTED] Broadway in Manhattan, Police Officer Michael Figueroa struck [REDACTED] with a vehicle.

Substantiated (Charges)

B) Abuse of Authority:

On November 05, 2022, at [REDACTED] Broadway in Manhattan, Police Officer Michael Figueroa damaged [REDACTED]'s property.

Unable to Determine

C) Force:

On November 05, 2022, at [REDACTED] Broadway in Manhattan, Police Officer Michael Figueroa used physical force against [REDACTED].

Within NYPD Guidelines

D) Force:

On November 05, 2022, at [REDACTED] Broadway in Manhattan, Police Officer Neil Odonnell used physical force against [REDACTED].

Within NYPD Guidelines

- E) Force: Within NYPD Guidelines
On November 05, 2022, at [REDACTED] Broadway in Manhattan, Detective Emmanuel Valerio used physical force against [REDACTED].
- F) Courtesy: Substantiated (Command Discipline A)
Detective Emmanuel Valerio spoke discourteously to an individual.
- G) Offensive Language: Substantiated (Charges)
Detective Emmanuel Valerio made remarks to an individual based upon the gender of an individual.
- H) Abuse of Authority: Substantiated (Command Discipline B)
Detective Emmanuel Valerio threatened an individual with the use of force.
- I) Abuse of Authority: Within NYPD Guidelines
Police Officer Michael Figueroa stopped an individual.
- J) Abuse of Authority: Within NYPD Guidelines
Police Officer Neil Odonnell stopped an individual.
- K) Abuse of Authority: Within NYPD Guidelines
Police Officer Neil Odonnell threatened to arrest an individual.
- L) Abuse of Authority: Substantiated (Command Discipline A)
Police Officer Michael Figueroa failed to provide an individual with a business card.
- M) Abuse of Authority: Substantiated (Command Discipline A)
Police Officer Neil Odonnell failed to provide an individual with a business card.
- N) Abuse of Authority: Within NYPD Guidelines
On November 05, 2022, at [REDACTED] Broadway in Manhattan, Detective Emmanuel Valerio improperly used his body-worn camera.
- O) Abuse of Authority: Substantiated (Command Discipline A)
On November 05, 2022, at [REDACTED] Broadway in Manhattan, Police Officer Steven Hussey improperly used his body-worn camera.
- P) Abuse of Authority: Unfounded
On November 16, 2022, at 100 Centre Street in Manhattan, Police Officer Michael Figueroa provided a false official statement against [REDACTED].
- Q) Untruthful Statement: Unable to Determine

On December 05, 2023, at 100 Church Street in Manhattan, Police Officer Michael Figueroa provided a false official statement to the CCRB.

Officer Penalty Recommendations:

The Board's penalty recommendation takes into account all of the allegations substantiated against the officer, as well as the officer's disciplinary history.

PO Michael Figueroa	Substantiated (Charges)
PO Steven Hussey	Substantiated (Command Discipline A)
PO Neil Odonnell	Substantiated (Command Discipline A)
DTS Emmanuel Valerio	Substantiated (Charges)

If you have any questions about the current status of your case at the Police Department, please contact the CCRB at (212) 912-7235.

The integrity and quality of the Police Department's service to the public depends, in large part, upon receiving information from citizens like you regarding the performance of police officers as they carry out their duties. The Civilian Complaint Review Board is grateful for the effort you put forth and your willingness to participate in this extremely important process.

Sincerely,



Jonathan Darche
Executive Director

Enclosure



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BILL DE BLASIO
MAYOR

FREDERICK DAVIE
CHAIR

EXPLANATION OF THE INVESTIGATION PROCESS

When someone files a complaint with the CCRB, the case is assigned to an investigator. Once a civilian provides a formal statement regarding the incident to the investigator, a thorough investigation commences. The investigation typically involves interviewing additional civilians and officers, and obtaining documentary evidence, such as video evidence, police documents, medical records, and records of court proceedings. After the investigation is complete, the investigator assigned to the case creates a comprehensive report regarding the incident, which is then reviewed by the investigator's manager, who has been supervising the investigation, and a staff attorney. The report and its recommended findings are sent to the Board of the CCRB. The Board members meet and decide if they agree with the disposition assigned to the complaint. This disposition is then sent to the Police Department, with a penalty recommendation when applicable. Below is a list of the possible findings the Board can reach in a case.

EXPLANATION OF ALL POTENTIAL BOARD FINDINGS

Substantiated: The allegation occurred and was considered misconduct, and not permissible under the laws of New York or the rules set by the NYPD in their Patrol Guide and the officer should receive some sort of discipline.

Example: A civilian filed a complaint and alleged an officer frisked him. After a thorough investigation, the investigator was able to determine that the frisk, which required that the officer have reasonable suspicion that the civilian was armed and dangerous, was not justified under the laws of New York and the rules set by the NYPD in their Patrol Guide.

When the Board substantiates an allegation, it may make one of the following recommendations:

Instructions: The officer should receive discipline at the local, command level.

Formalized Training: The officer should receive training at the Police Academy regarding the specific allegation(s).

Command Discipline A or B: The officer should receive discipline at the local, command level, which may range from instructions to the loss of up to ten days' pay.

Charges and Specifications: Charges should be filed against the officer, which may result in an Administrative hearing, which is similar to a trial.

Within NYPD Guidelines¹: The allegation occurred but were not considered misconduct, and were permissible under the laws of New York or the rules set by the NYPD in their Patrol Guide.

Example: A civilian filed a complaint and alleged an officer frisked him. After a thorough investigation, the investigator was able to determine that the frisk, which required that the officer have reasonable suspicion that the civilian was armed and dangerous, was justified under the laws of New York and the rules set by the NYPD in their Patrol Guide.

¹ This category was previously known as Exonerated.

Unfounded: The investigation determined that the alleged action did not occur.

Example: A civilian filed a complaint and alleged an officer frisked him. After a thorough investigation, the investigator was able to determine that the frisk did not occur.

Unable to Determine²: The investigation was unable to determine if misconduct occurred under the law or the rules defined by the New York City Police Patrol Guide.

*Example: A civilian filed a complaint and alleged an officer frisked him. After a thorough investigation, the investigator was able to determine that the frisk, which required that the officer have reasonable suspicion that the civilian was armed and dangerous, occurred; however, given differing factors about why the frisk occurred, the investigation was **unable to determine** if the frisk was justified under the laws of New York and the rules set by the NYPD in their Patrol Guide.*

Officer(s) Unidentified: The subject officer(s) of the alleged action could not be identified.

*Example: A civilian filed a complaint and alleged an officer frisked him. After a thorough investigation, the investigator was **unable to determine which officer** allegedly conducted the frisk.*

Miscellaneous: Typically, this means the officer is no longer employed by the NYPD.

Complainant/Victim Uncooperative: The complainant/victim did not respond to repeated attempts by the investigator to schedule an interview or failed to appear for scheduled interviews.

Complainant/Victim Unavailable: The investigator was unable to locate the complainant/victim with the contact information obtained.

Victim Unidentified: There was not enough information to identify the alleged victim.

Complaint Withdrawn: The complainant/victim no longer wishes to participate in an investigation and asked to withdraw the complaint. No case is closed for this reason until the complainant and/or victim verbally affirms that they are voluntarily withdrawing the complaint of their own free will.

Closed Pending Litigation: The complainant/victim and/or the attorney representing the complainant/victim, does not want to proceed with the CCRB's investigation because of (potential) pending litigation. Once the attorney or civilian has determined that they would like to have an investigation move forward, they can request to have the case re-opened.

OMB PEG Directive Closure: On September 9, 2023, The Office of Management and Budget (OMB) directed City Agencies to reduce spending by 15% before the end of fiscal year 2024, acknowledging that these cuts will affect City Services. As a result of the emergency budget cut, the CCRB's ability to fully investigate all of the cases that it receives is limited.

Re-opening a case: If you have new evidence, not previously available to the CCRB, or a previously unavailable or uncooperative witness becomes available, the Board may be willing to re-open your case if such new evidence may reasonably lead to a different finding. To request that the Board re-open your case in such circumstances, please detail the new evidence and request in a letter addressed to: Executive Director, at the above address, as soon as possible.

² This category was previously known as Unsubstantiated.

Below you will find a list of services that civilians who contact the CCRB may find beneficial. We provide these to every civilian who files a complaint with us regardless of the nature of the complaint.

LEGAL SERVICES

The New York City Commission on Human Rights

To schedule a new appointment or to report an incident of discrimination, please call 311 and say "human rights" or call us directly at (212) 416-0197. You may also report discrimination online.
<https://www1.nyc.gov/site/cchr/about/contact-us.page>

NYC Family Justice Centers

At any NYC FJC, survivors of domestic and gender-based violence and their children can get connected to organizations that provide case management, economic empowerment, counseling, civil legal, and criminal legal assistance.

NYC Family Justice Center, Bronx

Call 718-508-1220

NYC Family Justice Center, Brooklyn

Call 718-250-5113

NYC Family Justice Center, Manhattan

Call 212-602-2800

NYC Family Justice Center, Queens

Call 718-575-4545

NYC Family Justice Center, Staten Island

Call 718-697-4300

<https://www1.nyc.gov/site/ocdv/programs/family-justice-centers.page>

The Legal Aid Society

Call 212-577-3300 <https://legalaidnyc.org/>

HRA Legal Assistance For more information on the Office of Civil Justice, as well as where the offices are located and how to apply, dial 311 or HRA at 718-557-1399.

VICTIMS ASSISTANCE SERVICES

SAFEHORIZON

Safe Horizon's mission is to provide support, prevent violence and promote justice for victims of crime and abuse, their families and communities. <https://www.safehorizon.org/>

- For domestic violence victims: 800-621-HOPE (4673)
- For victims of crime and their families: 866-689-HELP (4357)
- For rape & sexual assault victims: 212-227-3000

Sexual Assault Forensic Examiner (SAFE) Program and SAFE designated hospitals by county

New York State Sexual Assault Forensic Examiner (SAFE)-Designated Hospital Programs provide specialized care to sexual assault patients.

<https://www.health.ny.gov/professionals/safe/>

NYS Sexual Violence Prevention Program

https://www.health.ny.gov/prevention/sexual_violence/

MENTAL HEALTH SERVICES

NYC Well is New York City's free, confidential support, crisis intervention, and information and referral service for anyone seeking help for mental health and/or substance misuse concerns, available 24 hours a day.

English: 1-888-NYC-WELL (1-888-692-9355), Press 2

Call 711 (Relay Service for Deaf/Hard of Hearing) Español: 1-888-692-9355, Press 3 中文: 1-888-692-9355, Press 5 <https://nycwell.cityofnewyork.us/en/get-help-now/>

New York State COVID-19 Emotional Support Helpline – Provides free, confidential and anonymous emotional support for New York State residents. Call 1-844-863-9314 Please go to <https://nyprojecthope.org/> for more information.

FINANCIAL ASSISTANCE/FOOD/MEDICAID

NYC Human Resources Administration (HRA)

The New York City Human Resources Administration/Department of Social Services (HRA/DSS) is dedicated to fighting poverty and income inequality by providing New Yorkers in need with essential benefits.

- General Infoline for HRA services: 718-557-1399
- Adult Protective Services: 212-630-1853
- Child Support Helpline: 888-208-4485
- Disability Affairs: 718-291-4141
- Domestic Violence & Emergency Intervention: 800-621-4673
- Emergency Food Assistance: 866-888-8777
- HIV/AIDS Services Administration: 212-971-0626
- HRA Helpline at 1-888-692-6116 Medical Assistance Program
- Report Welfare Fraud: 718-722-8001 or [fill out a form online](#)

<https://www1.nyc.gov/site/hra/help/i-need-help.page>

<https://a069-access.nyc.gov/accesshra/>

NYC HOUSING/HOMELESSNESS ASSISTANCE

NYC Housing Connect - Affordable Housing Lottery Helpline: 212-863-7990
Housing Connect inquiries: nychousingconnect@hpd.nyc.gov

NYCHA Call NYCHA's **Customer Contact Center (CCC)** at 718-707-7771 or use **MyNYCHA** (on.nyc.gov/mynycha), which are both available 24/7.

<https://www1.nyc.gov/site/nycha/index.page>

Eviction Assistance Homebase <https://www1.nyc.gov/site/hra/help/homebase-locations.page#Top>

NYC Department of Homelessness Services (DHS)

Main number 212-361-8000 or dial 311 or visit **311 Online** to report an individual who is living on the streets, or to find prevention/shelter programs near you. <https://www1.nyc.gov/site/dhs/about/contact.page>